IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

OP.No. 21241 of 2001(D)

PETITIONER:

V.L.PRADEEP KUMAR,
VISHNUKRIPA,
MAITHANAM, VARKALA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.S.D.ASOKAN

RESPONDENTS:

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1. **STATE OF KERALA, REP.BY**
THE CHIEF SECRETARY TO
GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. **THE CHAIRMAN, KERALA STATE COCONUT DEVELOPMENT**
CORPORATION LTD., 'KAILAS', T.C. 4/1325, KOWDIAR,
THIRUVANANTHAPURAM 3.

3. **THE MANAGING DIRECTOR, KERALA STATE**
COCONUT DEVELOPMENT CORPORATION LTD.,
'KAILAS', T.C. 4/1325, KOWDIAR,
THIRUVANANTHAPURAM 3.

BY ADV. SMT.K.SUNITHA VINOD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.34541/2001 IN OP. NO.21241/2001

DISMISSED

19.02.2007 **SD/- K.K.DENESAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMO OF CHARGES DT.24.9.97 ISSUED BY THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE LETTER DT.29.9.97 SENT BY THE PETITIONER.

EXT.P3:- COPY OF THE ORDER DT.30.9.97 ISSUED BY THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE REPRESENTATION DT.1.10.97 SUBMITTED BY THE PETITIONER.

EXT.P5:- COPY OF THE ORDER DT.3.10.97 ISSUED BY THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE REPRESENTATION DT.13.10.97 SUBMITTED BY THE PETITIONER.

EXT.P7:- COPY OF THE CHARGES & STATEMENT OF ALLEGATIONS DT.18.12.97 ISSUED BY THE 3RD RESPONDENT.

EXT.P8:- COPY OF THE REPRESENTATION DT.1.1.98 SUBMITTED BY THE PETITIONER.

EXT.P9:- COPY OF THE COMMUNICATION DT. NIL ISSUED BY THE ENQUIRY OFFICER.

EXT.P10:- COPY OF THE REPRESENTATION DT. 16.3.98 SUBMITTED BY THE PETITIONER.

EXT.P11:- COPY OF THE COMMUNICATION DT. 21.3.98 ISSUED BY THE ENQUIRY OFFICER.

EXT.P12:- COPY OF THE REPRESENTATION DT. 24.3.98 SUBMITTED BY THE PETITIONER.

EXT.P13:- COPY OF THE COMMUNICATION DT.13.5.98 ISSUED BY THE ENQUIRY OFFICER.

EXT.P14:- COPY OF THE REPRESENTATION DT.30.9.97 SUBMITTED BY THE PETITIONER.

EXT.P15:- COPY OF THE COMMUNICATION DT.5.6.98 ISSUED BY THE ENQUIRY OFFICER.

EXT.P16:- COPY OF THE REPRESENTATION DT.15.6.98 ISSUED BY THE PETITIONER.

EXT.P17:- COPY OF THE COMMUNICATION DT.29.9.98 SENT BY THE ENQUIRY OFFICER.

OP. NO.212412001

EXT.P18:- COPY OF THE COMMUNICATION DT. 5.10.98 SENT BY THE ENQUIRY OFFICER.

EXT.P19:- COPY OF THE FAX MESSAGE DT. 15.10.98 SENT BY THE PETITIONER.

EXT.P20:- COPY OF THE COMMUNICATION DT. 12.10.99 ISSUED BY THE 3RD RESPONDENT.

EXT.P21:- COPY OF THE REPRESENTATION DT. 16.11.99 SUBMITTED BY THE PETITIONER.

EXT.P22:- COPY OF THE TELEGRAM SENT BY THE PETITIONER .

EXT.P23:- COPY OF THE TELEGRAM SENT BY THE PETITIONER.

EXT.P24:- COPY OF THE REPRESENTATION DT.25.10.2000 SUBMITTED BY THE PETITIONER.

EXT.P25:- COPY OF THE REPRESENTATION DT.25.10.2000 SUBMITTED BY THE PETITIONER.

EXT.P26:- COPY OF THE ORDER NO.ADMN/DISC. ACTION/VLP/2000-01/367. DT. 17.10.2000 ISSUED BY THE 3RD RESPONDENT.

EXT.P27:- COPY OF THE ENQUIRY REPORT SUBMITTED BY THE ENQUIRY OFFICER.

EXT.P28:- COPY OF THE REPRESENTATION DT. 6.11.2000 SUBMITTED BY THE PETITIONER.

EXT.P29:- COPY OF THE REPRESENTATION DT.14.9.04 FILED BY THE PETITIONER ALONG WITH THE ENCLOSURES.

EXT.P30:- COPY OF THE ENQUIRY REPORT DT.16.1.02 SUBMITTED BY THE ENQUIRY OFFICER, MANAGING DIRECTOR.

EXT.P31:- COPY OF THE ORDER G.O.(MS) no.102/05/ad dt.13.7.05 ISSUED BY THE GOVT.

EXT.P32:- COPY OF THE REPRESENTATION DT.25.1.2006 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXT.P33:- COPY OF THE REPRESENTATION DT.30.1.2007 FILED BY THE PETITIONER BEFORE THE GOVERNMENT.

/TRUE COPY/

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K.K.DENESAN, J

O.P.NO.21241 of 2001

Dated this the 19th day of February, 2007

JUDGMENT

The petitioner was in charge of Factory Manager(ICPC) in the Kerala State Coconut Development Corporation Ltd. The second respondent is the Chairman and the third respondent is the Managing Director. While so, the petitioner was placed under suspension and was subsequently dismissed from service on the finding entered against him in the domestic enquiry held by the management. The petitioner challenged the order of dismissal before the first respondent Government. G.O.(MS)No.102/05/AD dated 13.7.2005 (Ext.P31) was passed by the Government allowing the request of the petitioner. In the last two paragraphs of the above order, Government have directed as follows:

"Government order that an amount of Rs.3268/=

(Rupees three thousand two hundred and sixty eight) only be recovered from Sri.V.L.Pradeepkumar, Manager (P&M) and i/c of Factory Manager (ICPC) as has been accepted by Board of Directors of the Corporation. All other charges are dropped and the punishment of dismissal imposed by the Management is set aside. He will be treated to be on duty till implementation of V.R.S. on 11.1.2001 and his pay and allowances for the period of suspension will be limited to the subsistence allowance.

The Managing Director, Kerala State Coconut Development Corporation will issue necessary orders in this regard and disburse the eligible amount due to Sri.V.L.Pradeepkumar after recovering an amount of Rs.3268/-((Rupees three thousand two hundred and sixty eight) as directed above and report compliance."

2. Not being fully satisfied by an order passed as per Ext.P1, this writ petition has been filed praying interalia for setting aside the orders passed by the management accepting the request made by the petitioner for retirement under VRS scheme and for

a direction to reinstate him in service.

3. Subsequently the petitioner has filed I.A.2255/2007 producing Ext.P33 representation filed by him before the government on 30.1.2007. In that representation, the petitioner has stated that orders have been passed in File No.34753/PU2/AD/2005 to reinstate him in service. However,no formal order has been served on the petitioner.

4. Counsel for the petitioner submits that the respondent Government may be directed to pass orders on Ext.P33 so that he will know whether the information received by him that the Government had already taken a decision to reinstate him in service, is correct.

5. Having heard the Government Pleader also, I feel that the limited prayer made by the petitioner for considering and disposing Ext.P33 representation can be granted. Accordingly, the writ petition is disposed of directing the first respondent to look into Ext.P33 and take appropriate decision, as early as possible, in any event, within one month from the date of receipt of a copy

of the judgment. The order passed by the first respondent shall be communicated to the petitioner immediately thereafter.

K.K.DENESAN, JUDGE

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